

REMARKS

This response is submitted in response to the Final Office Action mailed August 6, 2003 to request reconsideration of the rejection of claims 1-5 as set forth therein. In the event the Examiner determines that the foregoing amendments do not place the case in condition for allowance, it is respectfully requested that the above amendments be entered to place the claims in better form for consideration on appeal.

In the Official Action, the Examiner has once again withdrawn the objections and rejections from the previous Official Action in light of newly discovered prior art. Specifically, the Examiner rejects claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,575,757 to Kennedy et al., (hereinafter "Kennedy"). The Examiner also rejects claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. 11-216102 to Yamaguchi (hereinafter "Yamaguchi "). The Examiner further rejects claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi in view of Kennedy. Lastly, the Examiner rejects claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Kennedy in view of U.S. Patent No. 5,797,836 to Lucey et al., (hereinafter "Lucey").

In response, independent claim 1 has been amended to clarify its distinguishing features. Specifically, independent claim 1 has been amended to further define the imaging device driving means. Claim 2 has been amended to be consistent with amended claim 1 and claims 3 and 5 have been canceled. The amendments to claims 1 and 2 are fully supported in the original disclosure. Therefore, no new matter has been entered into the disclosure by way of the amendment to claims 1 and 2.

Claim 1 as amended now recites in part:

an inner ring provided with a helical cam groove, the inner ring
being rotatably provided in the case;

"an outer ring movable by a user to rotate around the case;
a magnet for magnetically coupling the inner ring and the outer ring via the case, the magnet driving the inner ring in accordance with the operation of the outer ring;

a rectilinear groove formed in the case along an optical axis of the optical elements; and

a cam pin provided in the outer peripheral surface of the hollow member, which engages the helical cam groove and the rectilinear groove and moves along the rectilinear groove as the inner ring rotates;

wherein the rectilinear groove restricts the movement of the cam pin in a rotating direction and guides the camera assembly in advancing and withdrawing directions with respect to the optical elements."

With regard to Kennedy, the same merely discloses that the focus sleeve mounted to a CCD tube is advanced and withdrawn by the focus knob to adjust the position of the imaging device with respect to the optical elements. Kennedy does not disclose or suggest a cam pin that engages a helical cam groove and a rectilinear groove as recited in amended claim 1.

With regard to Yamaguchi, the same discloses a cam mechanism for adjusting focus in which the hermetic unit (with the cam pin mounted thereto) moves in an axial direction while rotating. Therefore, Yamaguchi does not teach or suggest a rectilinear groove that restricts movement of a cam pin in the rotating direction as is also recited in amended claim 1.

With regard to the rejections of claims 1 and 2, under 35 U.S.C. § 102(b), an imaging unit for an endoscope having the features discussed above and as recited in amended independent claim 1 is nowhere disclosed in either Kennedy or Yamaguchi. Since it has been

decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"¹ independent claim 1, as amended, is not anticipated by either Kennedy or Yamaguchi. Accordingly, independent claim 1 patentably distinguishes over both Kennedy and Yamaguchi and is allowable. Claim 2 being dependent upon claim 1 is thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1 and 2 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 3 and 4, under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claim 4 is allowable therewith because it depends from an allowable base claim, claim 3 being canceled.

In other words, Independent claim 1, as amended, is not rendered obvious by the cited references because neither the Kennedy patent nor the Yamaguchi patent, whether taken alone or in combination, teach or suggest an endoscope having the features discussed above. Accordingly, claim 1, as amended, patentably distinguishes over the prior art and is allowable. Claim 4, being dependent upon claim 1, is thus allowable therewith, claim 3 being canceled. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 3 and 4 under 35 U.S.C. § 103(a).

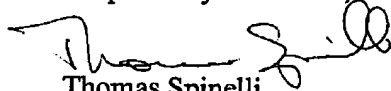
With regard to the rejection of claim 5 under 35 U.S.C. § 103(a), the same has been canceled thereby rendering the rejection thereof moot. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 5 under 35 U.S.C. § 103(a).

The above amendments and remarks establish the patentable nature of all the claims currently in this case. Issuance of a Notice of Allowance and passage to issue of these

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

claims are therefore respectfully solicited. If the Examiner believes that a telephone conference with Applicant's attorney would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


Thomas Spinelli
Registration No. 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343
TS/cm